



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes CITY COUNCIL

*R. Steve Tumlin, Mayor*  
*Stuart Fleming, Ward 1*  
*Grif Chalfant, Ward 2*  
*Johnny Walker, Ward 3*  
*G. A. (Andy) Morris, Ward 4*  
*Anthony Coleman, Ward 5*  
*Michelle Cooper Kelly, Ward 6*  
*Philip M. Goldstein, Ward 7*

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Wednesday, October 8, 2014

7:00 PM

Council Chamber

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**Presiding:** R. Steve Tumlin, Mayor

**Present:** Stuart Fleming, Grif Chalfant, Johnny Walker, G. A. (Andy) Morris, Anthony Coleman, Michelle Cooper Kelly and Philip M. Goldstein

**Also Present:**

*William F. Bruton, Jr. City Manager*

*Douglas R. Haynie, City Attorney*

*Stephanie Guy, City Clerk*

### CALL TO ORDER:

*Mayor R. Steve Tumlin called the meeting to order at 7:02 p.m.*

### INVOCATION:

*Mayor Tumlin called upon Council member Philip M. Goldstein to give the invocation.*

### PLEDGE OF ALLEGIANCE:

*Mayor Tumlin asked everyone to remain standing for the Pledge of Allegiance.*

### PRESENTATIONS:

**20141072**

#### **Park Street Elementary School Poster Contest Winners**

Kim Holland and Karmen Scarbro, BLW Water Department, present awards to the Park Street Elementary School poster contest winners for their entries in the Public Power & Clean Water Poster Contest. The poster contest theme was "Why is Water / Electricity Important to Me?"

Why Water is Important to Me

Grand Prize- Takara Scurry, 5th grade  
1st Place - Hamzah Hilali, 4th grade  
2nd Place - Nathaly Santos, 3rd grade  
3rd Place - Angel Matias, 3rd grade

Why Electricity is Important to Me

Grand Prize- Jaleel Smith, 3rd grade  
1st Place - Myles Cook, 3rd grade  
2nd Place - Valeria Virgen, 4th grade  
3rd Place - Trinity Williams, 3rd grade

**Presented****20140607****Marietta Citizens' Police Academy**

Graduates from the Marietta Citizens' Police Academy are :

Sallie Carlile	Nancy Loeffel
Norris Clemmons	Sam McCoy
Ines Embler	Jim Miller
Gary Guthrie	Susan Onyewuchi
Robert Hamilton	Carrie Rainey
Noreen Hamilton	Christine Rozman
Victor Jester	Ashley Shurtz
Pat Jester	Tracey Williams
John Langston	Robert Zaijcek

**20141111**

Presentation to Miriam Corbin, Employment Manager and John Helton, CobbWorks Inc. for their hard work and dedication on the Annual Marietta/Cobb Career Expo.

**Presented****PROCLAMATIONS:****ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:****SCHEDULED APPEARANCES:****UNSCHEDULED APPEARANCES:****CONSENT AGENDA:**

Consent agenda items are marked by an asterisk (\*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

*Pro tem Johnny Walker briefly explained the consent agenda process.*

*A motion was made by Council member Goldstein, seconded by Council member Chalfant, to suspend the rules of order to add an item to the consent agenda to authorize advertisement of proposed changes to the Zoning Ordinance regarding platting procedures. The motion carried by the following vote:*

*Vote: 7 – 0 – 0* *Approved*  
(See agenda item 20141017)

*City Attorney Doug Haynie noted the following changes to the consent agenda:*

*under Judicial/Legislative: Agenda item 20140959, Fifa's on the Municipal Court cases, was amended to read, "Motion to table and refer this matter to the Judicial/Legislative Committee."*

*under Judicial/Legislative: Agenda item 20140917, CA2014 08 Proposal to amend the Comprehensive Development Code Section 712.07, remains on the consent agenda, noting that a public hearing will be held.*

*under Public Works: Agenda item 20141041, Speed Table on Reynolds Street, was added to the consent agenda.*

*under Public Works: Agenda item 20141002, Parking at Rood House, remains on consent with Council member Goldstein abstaining.*

*under Other Business: Agenda item 20140968, V2014 46 Racetrac Petroleum, remains on consent and amended to read, "Motion to table this matter until the next council meeting."*

*under Other Business: Agenda item 20141105, National League of Cities (NLC) Annual Meeting, was removed from the consent agenda.*

*under Other Business: Agenda item 20141106, Modify “No Parking” Zone, was added to the consent agenda.*

*A motion was made by Council member Chalfant, seconded by Council member Goldstein, to suspend the rules of order to add an item to the consent agenda to authorize the acquisition of property located at 860 Franklin Road. The motion carried by the following vote:*

*Vote: 7 – 0 – 0* *Approved*  
(See agenda item 20141112)

*City Attorney Doug Haynie opened the public hearing for those items requiring a public hearing. Seeing no one wishing to speak, the public hearing was closed.*

*A motion was made by Council member Fleming, seconded by Council member Kelly, to approve the consent agenda as modified. The motion carried by the following vote:*

*Vote: 7-0-0 Approved*

*with the following exceptions:*

*Council member Goldstein abstaining on agenda item 20141002.*

**MINUTES:****\* 20141084 Regular Meeting - September 10, 2014**

Review and approval of the September 10, 2014 regular meeting minutes.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**MAYOR'S APPOINTMENTS: (for informational purposes only)****20141110 Marietta Historic Board of Review Mayor's Appointment**

Appointment of Mr. Chris Brown to the Marietta Historic Board of Review as the Mayor's Appointment, for a two (2) year term.

**Appointment Made**

**CITY COUNCIL APPOINTMENTS:****\* 20141081 Marietta Museum of History Re-appointments**

Motion to approve a recommendation by the Museum of History Board to reappoint Guy H. Northcutt Jr., and Danna Kaye to the Board of Directors for a term of 3-years expiring October 31, 2017.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**\* 20141082 Marietta Museum of History Appointment**

Motion to approve a recommendation by the Museum of History Board to appoint Beth Briscoe Graham to the Board of Directors for a term of 3-years expiring October 31, 2017.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**ORDINANCES:****20140960 Z2014-19 Roger Davis, Red Hare Brewery 994 and 1010 Roswell Street**

Z2014-19 [SPECIAL LAND USE PERMIT] ROGER DAVIS, RED HARE BREWERY, request a Special Land Use Permit, with variances, in order to

construct a brewery containing over 15,000 square feet of production space for property located in Land Lot 12370, District 16, Parcels 0170 and 0330, 2nd Section, Marietta, Cobb County, Georgia and being known as 994 and 1010 Roswell Street, currently zoned CRC (Community Retail Commercial). Ward 7A.

*City Attorney Douglas Haynie opened the public hearing. Mr. Haynie then explained the rules of order and swore in those wishing to speak.*

*Development Services Director Brian Binzer presented information regarding the request for a Special Land Use Permit, with variances in order to construct a brewery containing over 15,000 square feet of production space for property located at 994 and 1010 Roswell Street.*

*Discussion was held by Council regarding the rendered elevations submitted to by the applicant.*

*Seeing no one else wishing to speak, the public hearing was closed.*

*Motion to approve the request for a Special Land Use Permit for property located at 994 and 1010 Roswell Street, with the following variances incorporated as part of the Special Land Use Permit approval:*

- 1. Variance to allow the impervious surface coverage exceed 80%.*
- 2. Variance to allow off street loading designed to require vehicle/truck maneuvering in the public right of way.*
- 3. Variance to waive the 16' maximum setback for the Dodd Street frontage.*
- 4. Variance to allow metal siding on a portion of the building facing Coggins Place as shown on the rendered elevations submitted to staff.*
- 5. Variance to reduce the 10 foot planted strip/border area as shown on the submitted site plan.*
- 6. Variance to reduce the 10' landscaped buffer between the parking facility and the adjacent parcel.*
- 7. Variance to reduce the 8 foot wide landscape zone between the sidewalk and the building face to 6 feet along Coggins Place.*
- 8. Variance to allow existing city planted trees along Roswell Street count as required street trees.*
- 9. Variance to waive the installation of pedestrian lighting fixtures in the landscape/pedestrian zone.*
- 10. Variance to waive the 6' brick sidewalk and 2' grass strip along the west side of Coggins Place.*
- 11. Variance to waive the required street trees along the west side of Coggins Place.*
- 12. Variance to increase the allowable wall signage from 15% to 25% for the front facade.*

**The motion was made by Council member Goldstein, seconded by Council member Chalfant, that this matter be Approved as Amended. The motion carried by the following vote:**

**Vote: 7 – 0 – 0**

**Approved as Amended**

*(Clerk's Note: Agenda item 20140960 was rescinded during the November 12, 2014 City Council meeting.)*

**20141029                      Z2014-20 City of Marietta Coggins Place Right-of-Way**

**Ord 7767**

Z2014-20 [REZONING] CITY OF MARIETTA request rezoning for property located in Land Lot 12370, District 16, 2nd Section, Marietta, Cobb County, Georgia and being known as Coggins Place right-of-way from unzoned to CRC [Community Retail Commercial]. Ward 7A.

*City Attorney Douglas Haynie opened the public hearing and called forward those wishing to speak.*

*Development Services Director Brian Binzer presented information regarding the rezoning request for Coggins Place right-of-way from unzoned to CRC [Community Retail Commercial].*

*Seeing no one else wishing to speak, the public hearing was closed.*

**A motion was made by Council member Goldstein, seconded by Council member Fleming, that this matter be Approved. The motion carried by the following vote:**

**Vote: 7 – 0 – 0                      Approved**

*(Clerk's Note: Agenda item 20141029 was rescinded during the November 12, 2014 City Council meeting.)*

**RESOLUTIONS:**

**CITY ATTORNEY'S REPORT:**

**\*            20141064                      Denial of Claim**

Denial of the claim of Bob Binkley

**This Matter was Approved to Deny on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved to Deny**

**CITY MANAGER'S REPORT:**

**MAYOR'S REPORT:**

**COMMITTEE REPORTS:**

**I.    Economic/Community Development: G. A. (Andy) Morris, Chairperson**

\*      **20141038                      CDBG Money to Marietta YELLS**

Approval of a Resolution reallocating \$100,465 in unspent FFY'2011 and FFY'2012 funds from Marietta Parks and Recreation to Marietta YELLS for building renovation.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**2. Finance/Investment: Stuart Fleming, Chairperson**

\*      **20140984                      MPD Edward Byrne Memorial Justice Assistance Grant**

**[Ord 7762](#)**

Approval of an Ordinance amending the Fiscal Year 2015 Grant Fund budget to receive and appropriate a grant from the Department of Justice through the Edward Byrne Memorial grant program for \$41,233 to purchase police equipment.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

\*      **20141028                      MPD Sungard Public Sector Award**

**[Ord 7761](#)**

Approval of an Ordinance amending the Fiscal Year 2015 General Fund budget to receive and appropriate an award of \$2,000 from SunGard Public Sector for being a competition winner to purchase computer technology equipment for the MPD Cyber Unit.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**3. Judicial/Legislative: Philip M. Goldstein, Chairperson**

\*      **20140715                      Amendments to the zoning ordinance regarding parking in planned developments.**

Motion to authorize advertising proposed changes to the Zoning Ordinance regarding parking in planned development districts, specifically including the following: Section 708.09, PRD (SF), Planned Residential Development (single family); Section 708.14, PRD (MF), Planned Residential Development (multi-family); Section 708.20 MXD, Mixed Use Development; and Section 716.07, Parking spaces required - Table J.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved for Advertisement**

\*      **20140959              Fifa's on the Municipal Court cases**

Motion to authorize the city attorney to move forward for a plan to recoup costs for liens over \$10,000.

*Motion to refer this matter to the Judicial/Legislative Committee.*

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0              Referred to the Judicial/Legislative Committee**

\*      **20141049              Lower Roswell Road Island Annexation II**

Motion to advertise the annexation of the north-central portion of the Lower Roswell Road Island properties including the adjacent right-of-way as identified in the attached map (Exhibit A) and identified in the parcel address list in the attached table (Exhibit B) into the City of Marietta.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0              Approved for Advertisement**

\*      **20140917              CA2014-08 Proposal to amend the Comprehensive Development Code - Section 712.07**

[Ord 7763](#)

CA2014-08 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Section 712.07, Telecommunication Towers and Infrastructure.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0              Approved**

**20141017              Amendments to the zoning ordinance regarding platting procedures.**

Motion to authorize advertising proposed changes to the Zoning Ordinance regarding platting procedures, specifically in Section 728.04, Preliminary plat application procedures, and Section 728.07, Final plat application procedures.

*Public Hearing held during the consent agenda.*

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0              Approved for Advertisement**

**4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson**



\*      **20141046      City Club, Marietta Operating Agreement**

Motion approving an Independent Contractor Agreement with Classic Golf Management, Inc., for the day-to-day operations of the City Club Marietta effective October 8, 2014.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

\*      **20141048      Recreation Building at Custer Park**

Motion to authorize an additional appropriation of 2009 Parks Bond monies to the “Custer Recreation Building” of \$1,186,656 with a total expenditure on the project not to exceed \$3,786,656.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**5. Personnel/Insurance: Johnny Walker, Chairperson**

\*      **20140962      Line Worker Career Development Plan**

[Ord 7765](#)

Motion to approve changes to the Board of Lights and Water Line Worker Career Development Plan.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

\*      **20141052      Resolution Amending the Flexible Benefit Plan**

Resolution amending the Flexible Benefit Plan to change vision coverage to a supplemental benefit, removing it from group medical insurance coverage and to set the medical reimbursement amount to match the maximum amount as defined by the federal government.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

\*      **20141039      Amendment to the City of Marietta/BLW Personnel Rules and Regulation**

[Ord 7766](#)

Approval of an Ordinance amending the Personnel Rules and Regulations contained in Section 4-12-2-40 of the Code of Ordinances.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**6. Public Safety Committee: Anthony Coleman, Chairperson****7. Public Works Committee: Grif Chalfant, Chairperson****20141093 Coggins Place Right of Way**

Consideration of a motion authorizing the abandonment of a portion of Coggins Place right of way.

*City Attorney Doug Haynie opened the public hearing. Seeing no one wishing to speak, the public hearing was closed.*

**A motion was made by Council member Goldstein, seconded by Council member Fleming, that this matter be Approved. The motion carried by the following vote:**

**Vote: 7 – 0 – 0                      Approved**

**\*      20141036      Twin Brooks Drive Speed Feedback Sign**

Motion to approve the installation of a driver speed feedback sign on Twin Brooks Drive.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**\*      20141060      No parking along Frasier Street**

Motion to approve prohibiting on-street parking along Frasier Street from Lakewood Drive to South Ave.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**\*      20140589      Parking**

Motion authorizing installation of no parking zones along the following streets:

- Waterman Street between Atlanta Street and Alexander Street.
- Waddell Street between Waterman Street and Wayland Street.
- Wayland Street from end to end.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

\*      **20141026      Request for speed feedback signs**

Motion authorizing the installation of two (2) driver speed feedback signs near Marietta Middle School.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

\*      **20141055      Speed Limit on Maple Avenue**

Motion to reduce speed limit on Maple Ave from 30 mph to 25 mph.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

\*      **20141041      Speed Table on Reynolds Street**

Motion authorizing the installation of one speed table and crosswalk on Reynolds Street at Henry Drive.

Public Hearing held at September 10, 2014 Council Meeting under item number 20140934.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

\*      **20141002      Parking at Root House**

Motion authorizing 4 parking spaces fronting the Root House to be designated as "Root House Parking Only"

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 – 0 – 1                      Approved**  
Abstaining: Philip M. Goldstein

**OTHER BUSINESS:**

**20140805      V2014-31 Clear Channel Outdoor, Inc. 1200 Roswell Road**

V2014-31 [VARIANCE] CLEAR CHANNEL OUTDOOR, INC. request variances for property located in Land Lot 12390, District 16, Parcel 0130, 2nd Section, Marietta, Cobb County, Georgia and being known as 1200 Roswell Road,

currently zoned CRC (Community Retail Commercial). Ward 7A.

1. Variance to reduce the minimum lot size from 20,000 sq. ft. to 4,054 sq. ft. [§704.04; §708.16 (H.); §714.04 (G.)(1.); §714.04 (G.)(8.)]
2. Variance to reduce the front, side, and rear setbacks. [§708.16 (H.); §714.04 (G.)(1.); §714.04 (G.)(8.)]
3. Variance to allow a billboard to be located within 1,000 feet of another billboard. [§714.04 (G.)(5.)]
4. Variance to allow a billboard to be located closer to a permanent structure than a distance that is equal to or greater than the height of the sign. [§714.04 (G.)(10.)]
5. Variance to eliminate the requirement that a billboard must be regulated as a principal use and be required to meet all dimensional standards of the applicable zoning district (CRC). [§704.04; §708.16 (H.); §714.04 (G.)(1.); §714.04 (G.)(8.)]

*City Attorney Doug Haynie called forward those wishing to speak regarding this matter.*

*Brian Binzer, Development Services Director, presented information regarding the requested variances needed and summarized the criteria used to consider variance requests.*

*Scott Peters, representing Clear Channel Outdoor and CBS Outdoor, requested several variances needed to relocate the billboard located at 1200 Roswell Road that will be impacted by the widening of I 75. Mr. Peters submitted for the record general letters of support of the billboard relocation and the status of the condemnation case. Mr. Peters also expressed objection to the standards in the Marietta Sign Ordinance; however, presented an argument for meeting the criteria used to consider variance requests.*

*Discussion was held by Council regarding the variances requested, which included a variance to reduce the minimum lot size from 20,000 sq. ft. to 4,054 sq. ft.*

*A motion was made by Council member Goldstein, seconded by Council member Coleman, to deny the variance request for property located at 1200 Roswell Road.*

*Further discussion was held.*

*A substitute motion was made by Council member Morris, seconded by Council member Walker, to approve the requested variances needed to relocate the billboard located at 1200 Roswell Road, as presented. The motion failed by the following vote:*

*Vote: 3 – 4 – 0*

*Failed*

*Voting Against: Grif Chalfant, Anthony Coleman, Michelle Cooper Kelly and Philip M. Goldstein*

*Mayor Tumlin called for a vote on the original motion.*

*Further discussion was held. The applicant would be willing to have this matter tabled to address the concerns raised by Council.*

A substitute motion was made by Council member Kelly, seconded by Council member Fleming, that this matter be Tabled. The vote carried by the following vote:

**Vote: 6 - 1 - 0**                      **Approved to Table**

Voting Against: Grif Chalfant

**20140948**

**V2014-38 CBS Outdoor, LLC 121 Frey's Gin Road**

V2014-38 [VARIANCE] CBS OUTDOOR, LLC request variances for property located in Land Lot 12390, District 16, Parcel 0160, 2nd Section, Marietta, Cobb County, Georgia and being known as 121 Frey's Gin Road, currently zoned CRC (Community Retail Commercial). Ward 7A.

1. Variance to reduce the front setback for a billboard support structure from 35' to 32.';
2. Variance to reduce the rear setback for a billboard support structure from 35' to 23.';
3. Variance to reduce the front setback for billboard sign faces to 6.' §708.16 (H.);
4. Variance to reduce the rear setback for billboard sign faces to 1.';
5. Variance to locate a billboard within 1,000' of other billboards;
6. Variance to locate a billboard within 500' of a church.

*City Attorney Doug Haynie called forward those wishing to speak regarding this matter.*

*Brian Binzer, Development Services Director, presented information regarding the requested variances needed. Reading of the criteria used to consider variance requests was waived and the objection raised by Mr. Peters during the previous case were incorporated in this presentation.*

*Scott Peters, representing Clear Channel Outdoor and CBS Outdoor, requested several variances needed to relocate the billboard located at 121 Frey's Gin Road that will be impacted by the widening of I 75. Mr. Peters mentioned that the variance to allow an LED component was included in the letter of intent; however, was not included in the actual application. Mr. Peters also submitted for the record general letters of support of the billboard relocation and the status of the condemnation case.*

*Discussion was held by Council regarding the variances requested, specifically the variance to allow an LED component that was not advertised as part of the variance application.*

*A motion was made by Council member Goldstein, seconded by Council member Coleman, that this matter be Tabled, with advertisement of the variance to allow an LED component.*

*Further discussion was held. The applicant requested that the variances be granted without the LED component of the sign, which he would apply for at a later date.*

*Mayor Tumlin called for a vote on the motion made by Council member Goldstein, seconded by Council member Coleman, that this matter be Tabled, with advertisement of the variance to allow an LED component. The motion failed by the following vote:*

*Vote: 3 – 4 - 0                      Failed*

*Voting Against: Stuart Fleming, Grif Chalfant, Andy Morris and Michelle Cooper Kelly*

*A substitute motion was made by Council member Morris, seconded by Council member Fleming, to approve the requested variances needed to relocate the billboard located at 121 Frey's Gin Road, as presented without the LED component of the sign.*

*A motion was made by Council member Goldstein, seconded by Council member Coleman, to enter executive session to discuss potential litigation. The motion failed by the following vote:*

*Vote: 5 – 2 - 0                      Failed*

*Voting Against: Stuart Fleming, Grif Chalfant, Johnny Walker, Andy Morris and Michelle Cooper Kelly*

*Mayor Tumlin called for a vote on the motion made by Council member Morris, seconded by Council member Fleming, to approve the requested variances needed to relocate the billboard located at 121 Frey's Gin Road, as follows:*

- 1. Variance to reduce the front setback for a billboard support structure from 35' to 32.';*
- 2. Variance to reduce the rear setback for a billboard support structure from 35' to 23.';*
- 3. Variance to reduce the front setback for billboard sign faces to 6.'*
- 4. Variance to reduce the rear setback for billboard sign faces to 1.'*
- 5. Variance to locate a billboard within 1,000' of other billboards;*
- 6. Variance to locate a billboard within 500' of a church.*

**The motion carried by the following vote:**

**Vote: 5 – 2 – 0                      Approved**

**Voting Against: Anthony Coleman and Philip M. Goldstein**

**20140949**

**2014-39 CBS Outdoor, LLC 100 Chert Road**

V2014-39 [VARIANCE] CBS OUTDOOR, LLC request variances for property located in Land Lot 12100, District 16, Parcel 0320, 2nd Section, Marietta, Cobb County, Georgia and being known as 100 Chert Road, currently zoned CRC (Community Retail Commercial). Ward 7A.

1. Variance to reduce the front setback for a billboard support structure from 35' to 20.';
2. Variance to reduce the rear setback for a billboard support structure from 35' to 21.';
3. Variance to reduce the front setback for billboard sign faces to 0.';
4. Variance to reduce the rear setback for billboard sign faces to 0.';
5. Variance to locate a billboard within 1,000' of other billboards.
6. Variance to locate a billboard on a substandard lot;
7. Variance to locate a billboard within 500' of a residential zoning district.

*City Attorney Doug Haynie called forward those wishing to speak regarding this matter.*

*Brian Binzer, Development Services Director, presented information regarding the requested variances needed. Reading of the criteria used to consider variance requests was waived and the objection raised by Mr. Peters during the previous case were incorporated in this presentation.*

*Scott Peters, representing Clear Channel Outdoor and CBS Outdoor, requested several variances needed to relocate the billboard located at 100 Chert Road that will be impacted by the widening of I 75. Mr. Peters submitted the status of the condemnation case and mentioned that the property owner was also present to answer any questions.*

*Discussion was held by Council regarding the requested variances, which includes a variance to locate the billboard on a lot size less than the required 20,000 sq. ft.*

*Mr. Tranell, representing the property owner Southeast sewing, stated that they would be willing to combine parcels 55 and 56, which would make the lot approximately 15,000 sq. ft.*

*A motion was made by Council member Chalfant, seconded by Council member Morris, to approve the requested variances needed to relocate the billboard located at 100 Chert Road, as follows:*

1. Variance to reduce the front setback for a billboard support structure from 35' to 20.';
2. Variance to reduce the rear setback for a billboard support structure from 35' to 21.';
3. Variance to reduce the front setback for billboard sign faces to 0.';
4. Variance to reduce the rear setback for billboard sign faces to 0.';
5. Variance to locate a billboard within 1,000' of other billboards.
6. Variance to locate a billboard on a substandard lot;
7. Variance to locate a billboard within 500' of a residential zoning district;
8. Stipulation that applicant agrees to combine parcel 55 and parcel 56.

**The motion carried by the following vote:**

**Vote: 5 – 2 – 0**

**Approved as Amended**

Voting Against: Anthony Coleman and Philip M. Goldstein

**20140950****V2014-40 CBS Outdoor, LLC 1200 Gresham Road**

V2014-40 [VARIANCE] CBS OUTDOOR, LLC request variances for property located in Land Lot 11660, District 16, Parcel 0070, 2nd Section, Marietta, Cobb County, Georgia and being known as 1200 Gresham Road, currently zoned CRC (Community Retail Commercial). Ward 7.

1. Variance to reduce the rear setback for a billboard support structure from 35' to 22.';
2. Variance to reduce the rear setback for billboard sign faces to 19.';
3. Variance to reduce the side setback for billboard sign faces to 0.';
4. Variance to locate a billboard within 1,000' of other billboards;
5. Variance to locate a billboard on a substandard lot;
6. Variance to reduce the minimum lot width from 100' to 72.';
7. Variance to locate a billboard within 500' of a residential zoning district.

*City Attorney Doug Haynie called forward those wishing to speak regarding this matter.*

*Brian Binzer, Development Services Director, presented information regarding the requested variances needed. Reading of the criteria used to consider variance requests was waived and the objection raised by Mr. Peters during the previous case were incorporated in this presentation.*

*Scott Peters, representing Clear Channel Outdoor and CBS Outdoor, requested several variances needed to relocate the billboard located at 1200 Gresham Road that will be impacted by the widening of I 75. Mr. Peters also submitted the status of the condemnation case.*

*Discussion was held by Council regarding the requested variances, which includes a variance to locate the billboard on a lot size slightly over 5,000 sq. ft.*

*The adjacent property owner, present in the audience, stated that he would be willing to sell his remnant property in order to make the lot size for the billboard larger. The applicant would be willing to have this matter tabled to address the concerns raised by Council.*

**A motion was made by Council member Morris, seconded by Council member Chalfant, that this matter be Tabled. The motion carried by the following vote:**

**Vote: 7 – 0 – 0****Approved to Tabled**

*A brief recess was held and the meeting resumed shortly thereafter.*

**20140951****V2014-41 Clear Channel Outdoor, Inc. 1318 Kasandra Drive**

V2014-41 [VARIANCE] CLEAR CHANNEL OUTDOOR, INC. request variances for property located in Land Lot 12820, District 16, Parcel 0730, 2nd Section,



Marietta, Cobb County, Georgia and being known as 1318 Kasandra Drive, currently zoned CRC (Community Retail Commercial). Ward 7A.

1. Variance to reduce the rear setback for a billboard support structure from 35' to 23.' §708.16 (H.); §714.04 (G)(1.); §714.04 (G)(8.)
2. Variance to reduce the rear setback for billboard sign faces to 0.' §708.16 (H.); §714.04 (G)(1.); §714.04 (G)(8.)
3. Variance to reduce the southern side setback for billboard sign faces to 0.' §708.16 (H.); §714.04 (G)(1.); §714.04 (G)(8.)
4. Variance to reduce the 40' buffer to 31.' §708.16 (I.)
5. Variance to locate a billboard within 1,000' of other billboards. §714.04 (G)(5.)
6. Variance to locate a billboard on a substandard lot. §708.16 (H.); §714.04 (G)(1.); §714.04 (G)(5.); §704.04
7. Variance to locate a billboard within 500' of a residential zoning district. §714.04 (G)(2.)
8. Variance to locate a billboard closer to a permanent structure than a distance that is equal to or greater than the height of the sign. §714.04 (G)(10.)

*City Attorney Doug Haynie called forward those wishing to speak regarding this matter.*

*Brian Binzer, Development Services Director, presented information regarding the requested variances. Mr. Binzer mentioned that the variances were needed for the current structure only, with no changes except for the removal of the 30 inch catwalk and replacing it with a 20 inch catwalk.*

*A motion was made by Council member Goldstein, seconded by Council member Morris, to approve the requested variances needed for the billboard located at 1318 Kasandra Drive, as follows:*

- 1. Variance to reduce the rear setback for a billboard support structure from 35' to 23.'*
- 2. Variance to reduce the rear setback for billboard sign faces to 0.'*
- 3. Variance to reduce the southern side setback for billboard sign faces to 0.'*
- 4. Variance to reduce the 40' buffer to 31.'*
- 5. Variance to locate a billboard within 1,000' of other billboards.*
- 6. Variance to locate a billboard on a substandard lot.*
- 7. Variance to locate a billboard within 500' of a residential zoning district.*
- 8. Variance to locate a billboard closer to a permanent structure than a distance that is equal to or greater than the height of the sign;*

*All variances are for the current structure only, with no changes except for the removal of the 30 inch catwalk and replacing it with a 20 inch catwalk.*

**The motion carried by the following vote:**

**Vote: 7 – 0 – 0**

**Approved as Amended**

20140952

**V2014-42 Clear Channel Outdoor 646 Webb Industrial Drive**

V2014-42 [VARIANCE] CLEAR CHANNEL OUTDOOR request variances for property located in Land Lot 09980, District 16, Parcel 0130, 2nd Section, Marietta, Cobb County, Georgia and being known as 646 Webb Industrial Drive, currently zoned HI (Heavy Industrial). Ward 5B.

1. Variance to reduce the side setbacks for a billboard support structure from 20' to 11.';
2. Variance to reduce the rear setback for a billboard support structure from 40' to 23.';
3. Variance to reduce the rear and side setbacks for billboard sign faces to 0.';
4. Variance to locate a billboard within 1,000' of other billboards.;
5. Variance to locate a billboard on a substandard lot;
6. Variance to reduce the minimum lot width from 150' to 21.';
7. Variance to locate a billboard closer to a permanent structure than a distance that is equal to or greater than the height of the sign.

*City Attorney Doug Haynie called forward those wishing to speak regarding this matter.*

*Brian Binzer, Development Services Director, presented information regarding the requested variances needed. Reading of the criteria used to consider variance requests was waived and the objection raised by Mr. Peters during the previous case were incorporated in this presentation.*

*Scott Peters, representing Clear Channel Outdoor and CBS Outdoor, requested several variances needed to relocate the billboard located at 646 Webb Industrial Drive that will be impacted by the widening of I 75. Mr. Peters submitted the status of the condemnation case.*

*Discussion was held by Council regarding the requested variances.*

*A motion was made by Council member Morris, seconded by Council member Goldstein, that this matter be Tabled.*

*Further discussion was held. Mr. Peters stated that the issues may be resolved if they were allowed to remove the current catwalk.*

**A motion was made by Council member Chalfant, seconded by Council member Morris, to approve the requested variance to allow the removal of the catwalk only for the billboard located at 646 Webb Industrial Drive. The motion carried by the following vote:**

**Vote: 6 – 0 – 0**

**Approved as Amended**

Absent for the vote: Anthony Coleman

20140953

**V2014-43 Clear Channel Outdoor, Inc. 611 Webb Industrial Drive**

V2014-43 [VARIANCE] CLEAR CHANNEL OUTDOOR, INC. request variances for property located in Land Lot 09980, District 16, Parcel 0120, 2nd Section, Marietta, Cobb County, Georgia and being known as 611 Webb Industrial Drive, currently zoned HI (Heavy Industrial). Ward 5B.

1. Variance to reduce the side setbacks for a billboard support structure from 20' to 11.';
2. Variance to reduce the rear setback for a billboard support structure from 40' to 23.';
3. Variance to reduce the rear and side setbacks for billboard sign faces to 0.';
4. Variance to locate a billboard within 1,000' of other billboards.;
5. Variance to locate a billboard on a substandard lot;
6. Variance to reduce the minimum lot width from 150' to 21.';
7. Variance to locate a billboard closer to a permanent structure than a distance that is equal to or greater than the height of the sign.

*City Attorney Doug Haynie called forward those wishing to speak regarding this matter.*

*Brian Binzer, Development Services Director, presented information regarding the requested variances needed. Reading of the criteria used to consider variance requests was waived and the objection raised by Mr. Peters during the previous case were incorporated in this presentation.*

*Scott Peters, representing Clear Channel Outdoor and CBS Outdoor, stated that this case would require a variance to locate the billboard on a lot size less than the required 20,000 sq. ft. Mr. Peters requested that this matter be tabled for further review.*

**A motion was made by Council member Chalfant, seconded by Council member Kelly, that this matter be Tabled. The motion carried by the following vote:**

**Vote: 6 - 0 - 0**                      **Approved**  
Absent for the vote: Anthony Coleman

**\*      20140968      V2014-46 Racetrac Petroleum 2484 Delk Road, 2466 Delk Road, and 2400 Delk**

V2014-46 [VARIANCE] RACETRAC PETROLEUM request variances for property located in Land Lot 07990, District 17, Parcels 0380, 0050, and 0090, 2nd Section, Marietta, Cobb County, Georgia and being known as 2484 Delk Road, 2466 Delk Road, 2400 Delk Road, currently zoned CRC (Community Retail Commercial). Ward 7A.

1. Variance to allow for an existing nonconforming use (pylon) sign to remain after upgrades to the property are made.

**This Matter was Approved to Table on the Consent Agenda.**

**Vote: 7 – 0 – 0**                      **Approved to Tabled**

**20141105      National League of Cities (NLC) Annual Meeting**

Motion to appoint Philip M. Goldstein as the voting delegate for the National League of Cities (NLC) Annual Business Meeting that will be held during the Congress of Cities in Austin, Texas, November 22, 2014.

*Motion to appoint Philip M. Goldstein as the voting delegate for the National League of Cities (NLC) Annual Business Meeting that will be held during the Congress of Cities in Austin, Texas, November 22, 2014.*

**A motion was made by Council member Fleming, seconded by Council member Morris, that this matter be Approved as Amended. The motion carried by the following vote:**

**Vote: 5 - 1 - 2                      Approved as Amended**

Voting Against: Michelle Cooper Kelly

Abstaining: Anthony Coleman and Philip M. Goldstein

\*      **20141106      Modify “No Parking” Zone**

Motion to remove the no parking zone along the east side of Wilson Drive.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

\*      **20141085      BLW Actions of the October 6, 2014**

Review and approval of the October 6, 2014 actions and minutes of the Marietta Board of Lights and Water.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

\*      **20141112      860 Franklin Road**

Motion authorizing acquisition of a portion of property and easements at 860 Franklin Road from Castlebrook Owner, LLC for the purpose of constructing the Franklin Road Improvements Project - From Twin Brooks to Las Colinas Apartments in exchange for \$46,000.00 and the special stipulations:

1. City to provide a right in/right out driveway access to the property along Franklin Road near the western boundary of the Parcel, as shown on Exhibit C.
2. City to install a wrought iron like fence on Gravity Wall No. I and extend it to the new driveway referred to in Provision #1.

3. Property Owner may erect a monument sign in conformance with the latest City of Marietta Codes and Ordinances within the Permanent Easement Area at Owner's sole cost and expense. The location of the sign within the Permanent Easement is subject to the Public Works Director's approval.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

**UNSCHEDULED APPEARANCES:**

**ADJOURNMENT:**

*The meeting was adjourned at 11:02 p.m.*

**Date Approved:** \_\_\_\_\_

\_\_\_\_\_  
**R. Steve Tumlin, Mayor**

**Attest:** \_\_\_\_\_  
**Stephanie Guy, City Clerk**